

VILLAGE OF TOLONO  
CHAMPAIGN COUNTY, ILLINOIS

ORDINANCE NO. 18-O-4

AN ORDINANCE AMENDING TITLE 8 OF THE  
TOLONO MUNICIPAL CODE AS IT RELATES  
TO SWIMMING POOL FENCES

ADOPTED THIS  
6<sup>TH</sup> DAY OF FEBRUARY, 2018

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Published by authority of the President and the Board of Trustees of the Village of Tolono this  
6<sup>th</sup> day of February, 2018

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AN ORDINANCE AMENDING TITLE 8 OF THE  
TOLONO MUNICIPAL CODE AS IT RELATES  
TO SWIMMING POOL FENCES

WHEREAS, the Village of Tolono, Champaign County, State of Illinois (the “Village”) is a duly organized and existing Municipality created under the provisions of the laws of the State of Illinois, and is now operating under the provisions of the Illinois Municipal Code, and all laws amendatory thereof and supplementary thereto with full powers to enact ordinances for the benefit of the residents of the Village and the Village previously enacted the Revised Code of Ordinances of the Village of Tolono; and

WHEREAS, the Village previously adopted Title 8 of the Tolono Municipal Code regulating public safety; and

WHEREAS, the Village Board of Trustees of the Village of Tolono has determined that safety for children and others is enhanced by the construction of fences around pools and that it is advisable, necessary, and in the best interest of the Village and its residents to amend the revised code of ordinances to regulate swimming pools in the Village of Tolono.

NOW THEREFORE, BE IT ORDAINED by the President and Board of Trustees of the Village of Tolono, Illinois as follows:

Section 1. Incorporation Clause.

The President and Board of Trustees of the Village of Tolono hereby find that all of the recitals hereinbefore stated as contained in the preambles to this Ordinance are full, true and correct and do hereby, by reference, incorporate and make them part of this Ordinance.

Section 2. Purpose.

This Ordinance is to amend Title 8 of the Tolono Municipal Code by adding Chapter 8.30 providing fencing around swimming pools as provided herein.

Section 3. Amendment. Title 8 of the Tolono Municipal Code (as previously amended) is hereby further amended to additionally include the following Chapter 8.30:

“Chapter 8.30 POOL FENCING

- 8.30.010 Fences are required around outdoor swimming pools and such fences shall be minimum of 4 feet in height, except as herein provided, shall be made of chain link or other acceptable material adequate to reasonably safeguard said swimming pool from unauthorized entry.
- 8.30.020 Locking or latching gates shall also be required for all outdoor swimming pool fences.

- 8.30.030 The within requires shall apply to all in-ground pool having the capacity to hold water at a depth of 30 inches or more at any location in the pool, and to above-ground pool having the capacity to hold water at a depth of 30 inches or more at any location in the pool.
- 8.30.040 For an in-ground pool, the fence must be at least 4 feet in height measured from the ground.
- 8.30.050 For an above ground pool with a depth capacity of 30 inches or more, the required fence may include the pool exterior wall if it is adequate to safeguard the pool from unauthorized entry, but there must be, in any such case where the exterior wall serves as part of the fence required by this ordinance, an additional fence extending above the exterior pool wall by at least 2 feet in such a manner as to safeguard the pool from unauthorized entry, including a safety locking mechanism for any ladder to the pool.
- 8.30.060 Construction of an above-ground fenced pool (pool with a depth capacity of 30 inches or more), or construction of a required fence for such above-ground pool, shall require a building permit the Tolono Municipal Code and shall require payment of a building permit fee for Pool Fences of \$ \_\_\_\_\_”.

All other portions of the Municipal Code not otherwise amended by this ordinance shall remain in full force and effect.

#### Section 4. Superseder and Publication.

All code provisions, ordinances, resolutions and orders, prior policies, or parts thereof, in conflict herewith, are to the extent of such conflict hereby superseded. A full, true and complete copy of this Ordinance shall be published in pamphlet form or in a newspaper published and of general circulation within the Village as provided by the Illinois Municipal Code, as amended.

#### Section 5. Effective Date.

This Ordinance shall be in full force and effect upon passage and approval, as provided by the Illinois Municipal Code, as amended.

Motioned for approval by Trustee \_\_\_\_\_

With a second by Trustee \_\_\_\_\_, roll call vote:

Vicki Buffo \_\_\_\_\_

Ryan Perry \_\_\_\_\_

Jacquie Miller \_\_\_\_\_

Jared Ping \_\_\_\_\_

Anna Morris \_\_\_\_\_

Terrence Stuber \_\_\_\_\_

SO PASSED, ADOPTED, APPROVED AND ENACTED IN AND AT THE  
VILLAGE OF TOLONO, COUNTY OF CHAMPAIGN, STATE OF ILLINOIS, THIS 6<sup>TH</sup>  
DAY OF FEBRUARY, 2018 A.D.

\_\_\_\_\_  
Robert Murphy, Village President

ATTEST:

\_\_\_\_\_  
Brandy Dalton, Village Clerk

(SEAL)

Recorded in the Municipal Records: February 6, 2018  
Published in pamphlet form: February 6, 2018

